

Remarks/Arguments

In this Amendment, Applicant has amended claims 1, 6, and 7 and cancelled claims 2-5 and 8-18 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 1-18 prior to this Amendment is not patentable over the art cited by the Examiner. Claims 1, 6, and 7 were amended and claims 2-5 and 8-18 were cancelled in this Amendment solely to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by claims 1-18, as presented prior to this Amendment and additional claims in one or more continuing applications.

Status of the Application

Applicant respectfully requests reconsideration of the rejections and objections set forth in the Office Action mailed on 11/6/2009.

The Examiner has rejected claims 1-13 and 18 under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The Examiner has rejected claims 10 and 14-17 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,151,582 to *Huang et al.* (*Huang*).

The Examiner has further rejected claims 1-9 and 11-13 under 35 U.S.C. 103(a) as being unpatentable over *Huang* in view of U.S. Patent Publication No. 2003/0050823 to *Gehman et al.* (*Gehman*) and further in view of U.S. Patent No. 6,671,673 to *Baseman et al.* (*Baseman*).

The Examiner has further rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over *Huang* in view of *Gehman*, *Baseman* and further in view of U.S. Patent No. 6,272,472 to *Danneels et al.* (*Danneels*).

The Examiner has further rejected claims 18 under 35 U.S.C. 112 as being indefinite.

Applicant has cancelled claims 2-5 and 8-18.

As such, claims 1, 6, and 7 are pending in this application.

The Claims

Cited Art

Huang

Huang discloses decision support systems for managing supply chains via server side and client side analysis and control (*see* Abstract). *Huang* further discloses methods for calculating various parameters associated with supply chain analytics (*see* col. 7, l. 10 to col. 9 l. 1, 7). *Huang* discloses volume metrics with respect to truck size (*see* col. 74, l. 22 to col. 76 l. 60).

Gehman

Gehman discloses methods for “determining product supply parameters in a supply chain management framework,” (Abstract). *Gehman* further discloses methods for creating proposals, where the proposal system utilized drop down list boxes and templates (*see* ¶¶ 1624 to 1634; FIG. 165)

Baseman

Baseman discloses methods for generating strategic business plans by extending, among other things, supply chain management (*see* Abstract).

Rejections Under 35 U.S.C. § 101

Claims 1-13 and 18

The Examiner has rejected claims 1-13 and 18 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant has amended claim 1 to address Examiner’s rejection and therefore requests that the above rejection be removed.

Rejections Under 35 U.S.C. § 102 (b)

Claim 10 and 14-17

The Examiner has rejected claims 10 and 14-17 under 35 U.S.C. 102(b) as being anticipated by Huang. Applicant has cancelled claims 10 and 14-17. Therefore Examiner’s rejection is made moot and Applicant respectfully requests that the above rejection be removed.

Rejections Under 35 U.S.C. § 103 (a)

Claims 1-9 and 11-13

The Examiner has rejected claims 1-9 and 11-13 under 35 U.S.C. 103(a) as being unpatentable over *Huang* in view of *Gehman*, *Baseman*. Applicant respectfully traverses.

As noted above, *Huang* discloses decision support systems for managing supply chains via server side and client side analysis and control (*see* Abstract). *Huang* further discloses methods for calculating various parameters associated with supply chain analytics (*see* col. 7.1 l. 10 to col. 91, l. 7). *Huang* discloses volume metrics with respect to truck size (*see* col. 74, l. 22 to col. 76 l. 60). *Huang* is nonetheless silent with respect to utilizing lot size restriction in multiple iterations as required by the proposed claim (*see also* Claim 13). Indeed, Applicant can find no corresponding reference to lot size restrictions in any of the calculations disclosed by *Huang*.

Furthermore, while *Gehman* discloses methods for “determining product supply parameters in a supply chain management framework,” (Abstract) methods for creating proposals, where the proposal system utilized drop down list boxes and templates (*see* ¶¶ 1624 to 1634; FIG. 165), *Gehman* does nothing to suggest or reasonably cure the deficiencies in *Huang*.

Still further, while *Baseman* discloses methods for generating strategic business plans by extending, among other things, supply chain management (*see* Abstract), *Baseman* does nothing to suggest or reasonably cure the deficiencies in *Huang*.

Therefore, for at least these reasons, Applicant respectfully submits that the present claims are allowable over the cited art and requests that the above rejection be removed. Claims 6 and 7 depend directly from independent claim 1 and are therefore allowable over the cited art for at least the same reasons cited for claim 1.

Claim 18

The Examiner has rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over *Huang* in view of *Gehman*, *Baseman* and further in view of *Danneels*. Applicant has cancelled claim 18. Therefore Examiner’s rejection is made moot and Applicant respectfully requests that the above rejection be removed.

Rejections Under 35 U.S.C. § 112

Claim 18

The Examiner has rejected claim 18 under 35 U.S.C. 112 as being indefinite. Applicant has cancelled claim 18. Therefore Examiner's rejection is made moot and Applicant respectfully requests that the above rejection be removed.

Conclusion

Applicant believes that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees to process this Amendment, or credit any over-payments that may apply, to our Deposit Account No. 504173.

Respectfully submitted,
/Damon Kali/

Damon K. I. Kali
Attorney/Agent for Applicant(s)
Reg. No. 50541

Tel. 408-420-2381